Lam Weng Chong @ Lam Ah Chong v Menteri Kerjaraya Malaysia & Anor

HIGH COURT (KUALA LUMPUR) — NOTICE OF MOTION NO R1-25-24 OF 1995
ABDUL KADIR SULAIMAN J
26 FEBRUARY 1997

Professions *— Architects — Exemption under s 24(5) of the Architects Act 1967 — Whether plaintiff was a specially authorized person under the Architects Ordinance 1951 within the said local building authority before the coming into force of the Act — Whether plaintiff should be allowed the benefit of the proviso to s 24(5) of the Act since plaintiff was a registered draughtsman under the Act — Whether it was for the local authority to determine whether or what restrictions ought to be imposed on the plaintiff under the Act — Architects Act 1967 ss 20, 24 & 25*

The plaintiff was registered by the second defendant — which was constituted under the then Architects Ordinance 1951 ('the Ordinance') — vide a certificate of registration dated 14 July 1970 as a specially authorized person to submit plans to the Majlis Tempatan Sungai Siput (U), Perak. The plaintiff later applied to the Majlis Bandaran Temerloh and Mentakab, Pahang ('MBTM') for approval to be registered as a specially authorized person with the second defendant. Pursuant to s 6(1)(f) of the Ordinance, by a notification dated 18 May 1972, MBTM conveyed to the plaintiff its approval for the said application. There was, however, no evidence before the court that the plaintiff was so registered with the second defendant in respect of the approval given by MBTM. The Ordinance was later superseded by the Architects Act 1967 ('the Act') which came into force on 16 August 1973. By virtue of s 20 of the Act, the plaintiff had to register with the second defendant in order to practise his trade as a building draughtsman. On 30 October 1973, the plaintiff applied to the second defendant to practise as a draughtsman within MBTM. By a letter dated 25 August 1975, the second defendant approved the plaintiff's application but imposed upon the plaintiff the statutory restrictions as imposed by s 24(5)(i) of the Act. The plaintiff also had to forgo the earlier registration for Majlis Tempatan Sungai Siput (U), Perak. The plaintiff carried on his trade within MBTM but took no heed of the restrictions imposed pursuant to s 24(5)(i) of the Act as he considered himself to be covered by the proviso to s 24(5) of the Act as a specially authorized person under the Ordinance. Upon complaints received, the second defendant vide its letter of 28 May 1993 requested clarification from the plaintiff and at the end of an inquiry on 8 November 1994 found the plaintiff guilty of an offence under s 25(1)(e) of the Act and fined the plaintiff the maximun fine of RM2,000. This decision was conveyed to the plaintiff vide a letter dated 18 November 1994. The plaintiff appealed to the first defendant against the decision by a letter dated 19 December 1994. In a letter dated 6 February 1995, the plaintiff was advised to present his appeal if he was dissatisfied with the decision of the second defendant ('the

first letter'). By another letter dated 17 February 1995, the first defendant treated the earlier letter of 6 February 1995 as cancelled and stated that the first defendant — being satisfied with the decision of the second defendant — did not intend to exercise its powers under s 25(4) of the Act ('the second letter'). The plaintiff applied for an order of certiorari to quash the decisions of the second defendant (vide its letter dated 18 November 1994) and the first defendant (as conveyed to the plaintiff respectively vide the first and second impugned letters). The only issue before the High Court was whether the plaintiff was a specially authorized person under the Ordinance within MBTM before the coming into force of the Act.

Held, dismissing the application:

(1) There was no evidence that the plaintiff was a specially authorized person for MBTM. No doubt the local authority had given the approval for the plaintiff to be registered with the second defendant as such within the jurisdiction of the local authority but the plaintiff did not avail himself of the opportunity before the repeal of the Ordinance. In the circumstances, the plaintiff was not a specially authorized person within the jurisdiction of MBTM and the second defendant was right in not allowing the plaintiff the benefit of the proviso to s 24(5) of the Act even though the plaintiff was a registered draughtsman under the Act (see p 624H–I); *Leong Yew Soong v The President, Town Council, Kuala Pilah* (Seremban Originating Summons No 62 of 1972) distinguished.

(2) Under the Act, it was for the second defendant and not for the local authority to determine whether or what restrictions ought to be imposed on the plaintiff. In the instant case, the second defendant did just that as permissible under s 24(5) of the Act and the act of the second defendant was valid and could not be contrary to law (see p 625C–D).

(3) It was clear from the two letters aforesaid that the first defendant was satisfied with the decision of the second defendant and was not prepared to allow the appeal. It could not be said that the first defendant was functus officio after the issue of the first letter of 6 February 1995 and that the second letter was invalid. Both letters conveyed the same information to the plaintiff over his appeal and there was no valid ground to quash the decision of the first defendant (see p 626B–C).

[Bahasa Malaysia summary

Plaintif didaftarkan oleh defendan kedua — yang ditubuhkan di bawah Ordinan Arkitek 1951 pada masa itu ('Ordinan tersebut') — menerusi suatu sijil pendaftaran bertarikh 14 Julai 1970 sebagai seorang yang diberikuasa khusus untuk menyerahkan pelan-pelan kepada Majlis Tempatan Sungai Siput (U), Perak. Plaintif kemudiannya memohon kepada Majlis Bandaran Temerloh dan Mentakab, Pahang ('MBTM') untuk kelulusan supaya didaftarkan

A sebagai seorang yang diberikuasa khusus dengan defendan kedua. Menurut s 6(1)(f) Ordinan tersebut, melalui satu pemberitahuan bertarikh 18 Mei 1972, MBTM memaklumkan kelulusannya untuk permohonan tersebut kepada plaintif. Namun demikian, tiada keterangan di hadapan mahkamah bahawa plaintif didaftar demikian dengan defendan kedua berkenaan dengan kelulusan yang diberikan B oleh MBTM. Ordinan tersebut kemudiannya telah diganti oleh Akta Arkitek 1967 ('Akta tersebut') yang berkuatkuasa pada 16 Ogos 1973. Disebabkan s 20 Akta tersebut, plaintif harus mendaftar dengan defendan kedua supaya boleh membuka praktik sebagai seorang pelukis pelan bangunan. Pada 30 Oktober 1973, plaintif memohon C kepada defendan kedua untuk membuka praktik sebagai seorang pelukis pelan dalam MBTM. Melalui sepucuk surat bertarikh 25 Ogos 1975, defendan kedua meluluskan permohonan plaintif tetapi mengenakan sekatan statutori seperti yang dikenakan oleh s 24(5)(i) Akta tersebut padanya. Plaintif juga terpaksa melepaskan pendaftaran yang lebih awal untuk Majlis Tempatan Sungai Siput (U), Perak. D Plaintif meneruskan praktiknya dalam MBTM tetapi tidak mengendahkan sekatan yang dikenakan menurut s 24(5)(i) Akta tersebut kerana dia menganggap dirinya diliputi oleh proviso kepada s 24(5) Akta tersebut sebagai seorang yang diberikuasa secara khusus di bawah Ordinan tersebut. Atas aduan yang diterima, defendan E kedua menerusi suratnya bertarikh 28 Mei 1993 meminta penjelasan daripada plaintif dan di hujung siasatan pada 8 November 1994 mendapati plaintif bersalah atas kesalahan di bawah s 25(1)(e) Akta tersebut dan mendenda plaintif denda maksima RM2,000. Keputusan ini telah disampaikan kepada plaintif menerusi surat bertarikh 18 November 1994. Plaintif merayu kepada defendan pertama terhadap F keputusan menerusi surat bertarikh 19 Disember 1994. Dalam surat bertarikh 6 Februari 1995, plaintif dinasihati mengemukakan rayuannya sekiranya dia tidak berpuas hati dengan keputusan defendan kedua ('surat pertama'). Menerusi satu lagi surat bertarikh 17 Februari 1995, defendan pertama menganggap surat lebih awal bertarikh G 6 Februari 1995 terbatal dan menyatakan bahawa defendan pertama — yang puas hati dengan keputusan defendan kedua — tidak berhasrat melaksanakan kuasanya di bawah s 25(4) Akta tersebut ('surat kedua'). Plaintif memohon satu perintah certiorari untuk membatalkan keputusan defendan kedua (menerusi suratnya bertarikh 18 November 1994) dan defendan pertama (seperti yang disampaikan kepada plaintif H masing-masing melalui surat pertama dan kedua yang dipersoalkan). Isu tunggal di hadapan Mahkamah Tinggi ialah sama ada plaintif adalah seorang yang diberikuasa khusus di bawah Ordinan tersebut dalam MBTM sebelum Akta tersebut berkuatkuasa.

I **Diputuskan**, menolak permohonan:

(1) Tiada bukti bahawa plaintif adalah seorang yang diberikuasa khusus untuk MBTM. Tidak diragukan pihak berkuasa tempatan telah memberikan kelulusan untuk plaintif didaftarkan dengan defendan kedua sedemikian dalam bidang kuasa pihak berkuasa

tempatan tetapi plaintif tidak menggunakan peluang sebelum Ordinan tersebut dimansuhkan. Dalam keadaan ini, plaintif bukanlah seorang yang diberikuasa khusus dalam bidang kuasa MBTM dan defendan kedua adalah betul dalam tidak memberikan plaintif manfaat proviso kepada s 24(5) Akta tersebut meskipun plaintif adalah seorang pelukis pelan berdaftar di bawah Akta tersebut (lihat ms 624H–I); *Leong Yew Soong v The President, Town Council, Kuala Pilah* (Saman Pemula No 62 tahun 1972 Seremban) dibeza.

(2) Di bawah Akta tersebut, defendan kedua dan bukan pihak berkuasa yang menentukan sama ada sekatan atau sekatan apakah harus dikenakan pada plaintif. Dalam kes ini, defendan kedua telah berbuat demikian sebagaimana yang dibenarkan di bawah s 24(5) Akta tersebut dan tindakan defendan kedua adalah sah dan tidak mungkin bertentangan dengan undang-undang (lihat ms 625C–D).

(3) Adalah jelas daripada kedua surat tersebut bahawa defendan pertama berpuas hati dengan keputusan defendan kedua dan tidak bersedia membenarkan rayuan. Ia tidak boleh dikatakan bahawa defendan pertama adalah functus officio selepas pengeluaran surat pertama bertarikh 6 Februari 1995 dan bahawa surat kedua tak sah. Kedua-dua surat menyampaikan maklumat yang sama kepada plaintif atas rayuannya dan tiada alasan yang sah untuk membatalkan keputusan defendan pertama (lihat ms 626B–C).]

Notes

For cases on architects, see 10 *Mallal's Digest* (4th Ed, 1996 Reissue) paras 1298–1313.

Case referred to

Leong Yew Soong v The President, Town Council, Kuala Pilah (Seremban Originating Summons No 62 of 1972) (distd)

Legislation referred to

Architects Act 1967 ss 2, 6(2), 20, 24, 24(1)(b), (5)(i), (ii), 25(1)(e), (3), (4)

Architects Ordinance 1951 ss 2, 3, 6(1)(f)

A Kanesalingam (*Kanesalingam & Co*) for the plaintiff.

Mahyon bte Talib (Senior Federal Counsel, Ministry of Public Works) for the first defendant.

S Palanivel (*Mohd Ali & Co*) for the second defendant.

Cur Adv Vult

Abdul Kadir Sulaiman J: The plaintiff applies for an order of certiorari to quash the decision of the second defendant, Lembaga Arkitek, contained

in its letter of 18 November 1994, and the decision of the first defendant, Menteri Kerjaraya Malaysia contained in its two letters of 6 February 1995 and 17 February 1995 respectively. The letter of the second defendant of 18 November 1994 is exhibited as 'LWC-2' to the affidavit in support which is a letter informing the plaintiff of the disciplinary action taken against him pursuant to s 25(1) of the Architects Act 1967 ('the Act') wherein he was found guilty and was asked to pay a fine of RM2,000. The two letters from the first defendant are respectively exhibited as 'LCW-4' and 'LCW-5' to the aforesaid affidavit. Both the exhibits concern the decision of the first defendant rejecting the appeal of the plaintiff under s 25(4) of the Act over the aforesaid decision of the second defendant.

By a certificate of registration dated 14 July 1970, the plaintiff was registered by the second defendant constituted under s 3 of the then Architects Ordinance 1951 ('the Ordinance') as a specially authorized person to submit plans to the Majlis Tempatan Sungei Siput (U), Perak, a building authority, and in accordance with such restrictions as may be laid down by such building authority. Subsequently, the plaintiff applied to the Majlis Bandaran Temerloh & Mentakab, Pahang, another building authority, for an approval by the said authority for registration as a specially authorized person with the second defendant.

By a notification dated 18 May 1972, the Majlis Bandaran Temerloh & Mentakab conveyed to the plaintiff its approval for the plaintiff's registration with the second defendant as a specially authorized person within its jurisdiction pursuant to s 6(1)(f) of the Ordinance as follows:

> Subject to the provisions of this Ordinance the following persons shall be entitled to be registered under this Ordinance —
>
> (f) any person not otherwise qualified under any of the foregoing paragraphs of this subsection who has been approved by a building authority for registration under this Ordinance.

The approval given by the Majlis Bandaran Temerloh & Mentakab was limited to the submission to the said authority of architectural drawing of all building plans with the exception of reinforced concrete or structural steel work other than lintols to opening not exceeding 8 feet in span. It is not in evidence, however, that the plaintiff was registered with the second defendant as a specially authorized person within the jurisdiction of the Majlis Bandaran Temerloh & Mentakab pursuant to its approval given by the said authority. Therefore, in the case of the plaintiff, if he is not so registered with the second defendant in respect of the approval given by the Majlis Bandaran Temerloh & Mentakab for him to do so, he cannot be considered a specially authorized person in respect of work to be done within the jurisdiction of the Majlis Bandaran Temerloh & Mentakab. Section 2 of the Ordinance defines 'specially authorized person' to mean a person who is registered under s 6(1)(f) of the Ordinance. There is no dispute that the plaintiff was a specially authorized person within the jurisdiction of the Majlis Tempatan Sungei Siput (U), Perak by virtue of his registration with the second defendant as mentioned earlier. His status as a specially authorized person acquired in the Majlis Tempatan Sungei Siput (U) cannot be conferred upon him automatically in respect of other

local or building authorities in the country because s 6(2) of the Ordinance states that a specially authorized person may submit plans only to, and within the limits of, the building authority which has approved him for registration. A

Subsequently, the Ordinance was superseded by the Act which came into force on 16 August 1973. The Act recognizes the status of a specially authorized person acquired under the Ordinance and terms him as a building draughtsman. Section 2 of the Act defines building draughtsman thus: B

> 'Building Draughtsman' means —
>
> (a) any person who immediately before the appointed date was a specially authorized person within the meaning of the Architects Ordinance 1951, registered under Part II of the register kept and maintained under that Ordinance but shall not include any person qualified for registration under the Registration of Engineers Act 1967, or the Registration of Surveyors Act 1967; and C
>
> (b) any person whom the Board in its absolute discretion may deem desirable to register having regard to his qualification and experience and to the requirements of any Building Authority ... . D

By s 20 of the Act, in order to practise his trade, a building draughtsman must register himself with the second defendant.

On 30 October 1973 — after the date of the coming into force of the Act — the plaintiff applied to the second defendant to register himself to practise as a building draughtsman within the Majlis Bandaran Temerloh & Mentakab. Be it reminded that there is no evidence shown that the plaintiff was registered as an authorized person under the Ordinance for the Majlis Bandaran Temerloh & Mentakab after the approval for registration was given by the said local authority. However, by its letter dated 25 August 1975, the second defendant approved his application to register under the Act as a registered building draughtsman for the Majlis Bandaran Temerloh & Mentakab subject to him foregoing the Majlis Tempatan Sungei Siput (U). Since there is no evidence that the plaintiff was a specially authorized person for the Majlis Bandaran Temerloh & Mentakab, the approval given to him by the Board cannot be taken to be by virtue of him being a specially authorized person for the said local authority under the Ordinance. The Board in giving the approval to the plaintiff to register as a building draughtsman under the Act in the Majlis Bandaran Temerloh & Mentakab must have done so in its absolute discretion having regard to his qualification and experience and to the requirements of the Majlis Bandaran Temerloh & Mentakab under para (b) to the definition of 'Building Draughtsman' in s 2 to the Act. It could not have been under para (a) thereof because the plaintiff was not a specially authorized person within the said local authority. In registering the plaintiff for the said local authority, the second defendant imposed upon him the statutory restrictions imposed by s 24(5)(i) of the Act. E F G H I

Section 24 of the Act states:

> (1) Upon the registration of a Building Draughtsman the following restrictions shall apply —

(a) he may submit plans only to, and within the limits of the Building Authority for which area his application for registration has been approved; and

(b) he shall be entitled to submit plans of buildings only in accordance with the restrictions specified in subsection (5) as may be imposed by the Board.

(2) The Board may at any time on the application of a registered Building Draughtsman vary the restrictions for the time being imposed upon him pursuant to subsection (1) by substituting therefor the alternative restriction prescribed by subsection (5) or by adding thereto or deleting therefrom any Building Authority specified under subsection (1)(a).

(3) No person who is employed by a limited company, building contractor, manufacturer or commercial firm shall be entitled to be registered under this Part.

(4) No registered Building Draughtsman shall practise under the name of a limited company or under the protection of limited liability.

(5) The restrictions referred to in subsection (1)(b) shall be in one of the following forms, that is to say:

(i) he shall be entitled only to submit plans of buildings not exceeding two-storeys in height and not involving reinforced concrete or structural steel framework except lintols not exceeding 8 feet in span providing that the total built-up floor area does not exceed 3,000 square feet in any one project submitted for approval; or

(ii) he shall be entitled to submit plans of buildings not exceeding one-storey in height and not involving reinforced concrete or structural steel framework except lintols not exceeding 8 feet in span providing that the total built-up floor area does not exceed 1,000 square feet in any one project submitted for approval:

Provided that in respect of a Building Draughtsman who was a specially authorized person within the meaning of the Architects Ordinance 1951, the restrictions imposed on him under this section shall not be less favourable than those which may have been imposed on him immediately before the appointed date.

Provided further that in respect of a Building Draughtsman in East Malaysia who was practising or carrying on business as a building draughtsman for at least twelve months before the appointed date, the provisions of subsections (1) and (5) shall not apply and subsection (2) shall be construed as if all the words appearing after the words 'imposed upon him' had been deleted.

The plaintiff pursuant to the registration as a registered building draughtsman by the second defendant, carried on his practice within the Majlis Bandaran Temerloh & Mentakab but took no heed of the restriction imposed pursuant to s 24(5)(i) of the Act considering himself a specially authorized person under the Ordinance having the benefit of the proviso to the said s 24(5). Upon complaint received, the second defendant by its letter dated 28 May 1993 requested clarification from the plaintiff for submitting plans in respect of Taman Seraya Triang (Phase 3) exceeding the limitation imposed upon him under the said s 24(5)(i) of the Act. In his reply of 12 June 1993, the plaintiff questioned the right of the second defendant to impose upon him the limitation provided in s 24(5)(i) of the

Act, he being a specially authorized person under the Ordinance. On 13 October 1994, the Board issued him with a show-cause letter with a view of commencing a disciplinary proceedings against him for being in breach of s 25(1)(e) of the Act in not complying with the restrictions imposed upon him under s 24 thereof. The charge preferred against him is as follows:

> That you Lam Weng Chong being a building draughtsman registered with the Board of Architects Malaysia did, in February 1988 or thereabouts, submit plans to Pejabat Daerah Temerloh in respect of the proposed housing development on Lot No 1111 consisting of 196 units of low-cost houses in (Phase II) of Taman Raya Triang, Pahang Darulmakmur for Chan Kok Choon JP and others. By so doing, you had exceeded the limitations which had been imposed on you by the Board thereby committing an offence under s 25(1)(e) of the aforesaid Act and punishable under s 25(1) thereof.

On 8 November 1994, the plaintiff attended the hearing upon the charge framed against him by the second defendant. At the end of the inquiry proceeding, the second defendant found him guilty of the charge and imposed on him a maximum fine of RM2,000. He was also warned that a repetition of a similar offence in future would result in the second defendant imposing a more severe disciplinary action against him. The decision of the second defendant was communicated to him by the impugned letter of 18 March 1994 which the plaintiff by this application seeks to quash. The plaintiff appealed to the first defendant against the said decision of the second defendant. The first defendant rejected his appeal by the two impugned letters of 6 February 1995 and 17 February 1995.

The only issue is whether the plaintiff was a specially authorized person under the Ordinance within the Majlis Bandaran Temerloh & Mentakab before the coming into force of the Act. If so, the restrictions imposed on the plaintiff by the second defendant pursuant to s 24(5) of the Act cannot be less favourable than those which may have been imposed on him immediately before the coming into force of the Act. On the other hand, if the plaintiff was not a specially authorized person within the jurisdiction of the said local authority before the coming into force of the Act, then he would not enjoy the benefit of the proviso but to be fully covered by the statutory restrictions imposed by s 24(5) of the Act. It is clear from the evidence that the plaintiff was a specially authorized person for the Majlis Tempatan Sungei Siput (U), Perak. But there is no evidence that he was a specially authorized person for the Majlis Bandaran Temerloh & Mentakab. No doubt the said local authority had given him the approval to be registered with the second defendant as such within the jurisdiction of the local authority but the plaintiff did not avail himself of the opportunity before the repeal of the Ordinance. In the circumstances, he was not a specially authorized person within the jurisdiction of the Majlis Bandaran Temerloh & Mentakab and as such the second defendant was right in not allowing him the benefit of the proviso even though he was a registered building draughtsman under the Act. The case of *Leong Yew Soong v The President, Town Council, Kuala Pilah* (Seremban Originating Summons No 62 of 1972) cited by learned counsel in support of this application is

not at all relevant in this matter because the applicant in the case was a specially authorized person in the jurisdiction of the particular local authority whereas the plaintiff herein was not a specially authorized person within the jurisdiction of the Majlis Bandaran Temerloh & Mentakab where he carried out his practice as a building draughtsman.

Next, it is submitted by learned counsel that the approval for registration as a registered draughtsman by the second defendant to be subjected to s 24(5)(i) was not the condition of approval given by the Majlis Bandaran Temerloh & Mentakab. Therefore, the condition so imposed by the second defendant was made contrary to the proviso to the said subsection. I see no merit in this line of submission because under the Act, it is not for the local authority to determine whether or what restrictions are to be imposed. The duty to impose the restrictions is upon the second defendant as given by s 24(1)(b) thereof and the terms of the restrictions are those enumerated statutorily in s 24(5)(i) or (ii) to be subject to the proviso in the case where the practitioner was a specially authorized person within the meaning of the Ordinance. In the instant case, the second defendant did just that as is permissible by sub-s (5) thereof. Therefore, the act of the second defendant must be valid and cannot be contrary to law as so contended by the plaintiff. The plaintiff, having acted contrary to the statutory restrictions imposed in the conduct of his practice in the Majlis Bandaran Temerloh & Mentakab, would be subjected to action by the second defendant under s 25 of the Act. The impugned letter from the second defendant of 18 November 1994 is the result of the action taken by the second defendant upon the plaintiff for the infringement and is therefore within the jurisdiction given to it by the Act to institute disciplinary proceedings against the plaintiff for the breach and to impose punishment accordingly.

Following the decision by the second defendant, the plaintiff appealed to the first respondent by his letter dated 19 December 1994 pursuant to s 25(4) of the Act. The decision of the second defendant in this case did not involve the cancellation of the registration of the plaintiff as a building draughtsman but merely an imposition of a fine of RM2,000. If at all there was to be an appeal against the said decision, that appeal must be made under s 25(3) thereof. Be that as it may, the plaintiff received a reply from the office of the first defendant referring to his letter of 19 December 1995, by a letter dated 6 February 1995. It is stated in the letter that the first defendant — after getting the clarification from the second defendant — was satisfied that the decision taken by the second defendant was in accordance with the powers given to it. In the circumstances, if the plaintiff is still dissatisfied with the said decision of the second defendant, he was advised to present his appeal to the second defendant. However, about 11 days later, by another letter of 17 February 1995, the office of the first defendant in referring to the same letter of the plaintiff of 19 December 1994 treated its earlier letter of 6 February 1995 as cancelled and informed the plaintiff that the first defendant, after getting the clarification from the second defendant, was satisfied that the decision taken by the second defendant was in accordance with the powers given to it. In the

circumstances, the first defendant did not intend to exercise his powers under s 25(4) of the Act. The plaintiff complained that the first defendant by his reply as contained in the two impugned letters of 6 February 1995 and 17 February 1995 did not provide any reason for his refusal to entertain the appeal. Again, there is no merit to the complaint. It is clear from the two letters aforesaid that the first defendant was satisfied with the decision of the second defendant and was not prepared to allow the appeal. It cannot be said that the first defendant was functus officio after the issue of the first letter of 6 February 1995 and so the second letter was invalid. Both the letters conveyed the same information to the plaintiff over his appeal. As such, there was no valid ground for the quashing of the decision of the first defendant as contained in the said two letters.

As the decisions of the first and second defendants were validly made, this application by the plaintiff must fail and I accordingly dismiss the application with costs to the defendants.

Application dismissed.

Reported by Lew Chee Seong